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MEMO ENDORSED

EDWARD A. BERMAN¹
KENNETT R. SAUTER
CAROLINE RECORD²
THOMAS C. JARDIM³
ANDREW R. JACOBS⁴
THOMAS S. DOERR⁵
KAREN WACHS⁶
KATHERINE L. MIKAELIANIS⁷
ALYSON E. GALUSHA
JONATHAN I. DORMAN
LORETTA A. CASTROVINCIO

OF COUNSEL
ALVIN D. HERSH
JAY A. SOLEIN⁸
GEORGE A. FISZER⁹
GERALD J. BETZNER
KYLIE G. SCHWARTZ¹⁰

¹NJ & NY
²NJ, NY & DC
³NJ, NY & CT
⁴NJ, NY, PA & DC
⁵NJ, PA & DC
⁶NJ & PA

MORRISTOWN MAILING ADDRESS:
POST OFFICE BOX 2248
MORRISTOWN, NJ 07962
(973) 267-9800
FAX (973) 684-1632
FAX (973) 684-1945 (RE.)

MORRISTOWN DELIVERY ADDRESS:
222 RIDGEDALE AVENUE
CEDAR KNOLLS, NJ 07927

WALL ADDRESS:
3350 ROUTE 138
BUILDING 2, SUITE 223
WALL, NJ 07719
(732) 280-1355

NEW YORK ADDRESS:
140 BROADWAY
46th FLOOR
NEW YORK, NY 10005
(212) 208-1436

WEBSITE:
WWW.BSRJLAW.COM

July 29, 2008

VIA FAX (212) 805-6724

Hon. Frank Maas, USMJ
United States District Court for
The Southern District of New York
500 Pearl Street
New York, New York 10007-1581

Re: Darby v. Gitkind
07 Civ. 10645 (DLC)(FM)

Dear Judge Mass:

The conference is
adjourned to 9/3/08 at
2 pm.

F. Maas, USMJ,
7/29/08

I begin with a profuse apology to the Court for not having made this request for an adjournment of tomorrow's settlement conference earlier. My client had advised me a few weeks ago that he would be out of the country on vacation and I had asked my assistant to make a request for a short (two week) adjournment at that time. Unfortunately I did not realize until this morning when I checked my telephone messages that the Court had called and that the request had not been made.

I personally am willing to appear at the conference but I believe that the conference would be more likely to be productive if my client (the plaintiff) is present. I have called my adversary (with whom I have an excellent working relationship) and asked for his consent to an adjournment but I am told he is in Court. I assume he will consent, but I cannot make any representations until he calls me back.

Once again, I apologize profusely. The mistake was solely mine.

Respectfully submitted,

Thomas S. Doerr

cc: Roger Kunkis, Esq.
(via fax: 212 564-2841)

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| DOCUMENT |
| ELECTRONICALLY FILED |
| DOC #: |
| DATE FILED: 7/29/08 |